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In re Application of :
Charles L. Wallace et al : DECISION ON PETITION UNDER
Application No. 10/099,824 : 37 CFR 1.313(a)
Filed: March 15, 2002 :
Atty Dkt No. PURIT:60555 :
:

This is a decision on the petition under 37 CFR 1.313(a), filed March 9, 2006, requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance was mailed on December 29, 2005, with the issue fee being due on or before March 29, 2006. There is no indication that the issue fee has to date been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. Note MPEP 706.07(h)(IX).

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3218.

The matter is being referred to Technology Center AU 2174 for appropriate processing of the RCE filed March 9, 2006, and for consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks
Frances Hicks
Petitions Examiner
Office of Petitions